



NEL-001

Patent Application

0590 #3
2/5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

NAGATA et al.

Group Art Unit: n/a

Application No.: 10/023,649

Examiner: n/a

Filed: 12/21/01

For: "NOVEL DNA BASED VACCINE AGAINST THE ENCEPHALITIS
ALPHAVIRUSES"

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56.

- ☒ A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date or within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in compliance with 37 C.F.R. §1.97(b), OR is being filed concurrent with filing of the Continued Prosecution Application (CPA) or the Request for Continued Examination (RCE). No fee is required (37 C.F.R. §1.97(b)).

- ☒ 2. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 18-0013 as needed to ensure consideration of the disclosed information.

Respectfully submitted,



Eugene G. Byrd
Registration No. 47,361

Date: 3/21/2002

Rader, Fishman & Grauer PLLC
1233 20th Street, N.W.,
Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751



FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

NEL-001

SERIAL NO.

10/023.649

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT

NAGATA et al.

FILING DATE

12/21/01

GROUP

N/a

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO PART.		
	AG								
	AH								
	AI								
	AJ								
	AK								
	AL								

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AM	Hahn et al., "Western equine encephalitis virus is a recombinant virus," Proc. Natl. Acad. Sci. USA vol.85, pp. 5997-6001 (08/1988)
	AN	Weaver et al., "A comparison of the Nucleotide Sequences of Eastern and Western Equine Encephalomyelitis Viruses with those of other Alphaviruses and Related RNA Viruses," 197 Virology 375-390 (1993) .
	AO	Weaver et al., "Recombinational History of Molecular Evolution of Western Equine Encephalomyelitis Complex Alphaviruses," Journal of Virology, Vol. 71, No.1.pp.613-623_(1997)

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.